

# The Odisha Gazette

EXTRAORDINARY  
PUBLISHED BY AUTHORITY

---

No. 779, CUTTACK, WEDNESDAY, APRIL 24, 2013 / BAISAKHA 4, 1935

---

SECRETARIAT  
OF  
THE ODISHA LEGISLATIVE ASSEMBLY  
NOTIFICATION

The 24th April, 2013

No.5591/L.A.—The following Bill which has been introduced in the Odisha Legislative Assembly on the 6th April, 2013 is herewith published under Rule 68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information.

THE ODISHA SPECIAL COMPONENT PLAN FOR SCHEDULED CASTES AND TRIBAL  
AREA SUB PLAN FOR SCHEDULED TRIBES AND SCHEDULED CASTES AND  
SCHEDULED TRIBES DEVELOPMENT AUTHORITIES BILL, 2013.

(By Sri Prasad Kumar Harichandan, M.L.A.)

A

BILL

TO CONSTITUTE THE SPECIAL COMPONENT PLAN FOR SCHEDULED CASTES  
AND TRIBAL AREAS SUB PLAN FOR SCHEDULED TRIBES, TO PROVIDE THEM  
OVERARCHING GOALS OF THEIR ECONOMIC LIBERATION, EDUCATIONAL  
PARITY AT ALL LEVELS, EQUALITY WITH SOCIALLY ADVANCED CASTES  
IN ALL PARAMETERS AND SECURITY AND SOCIAL DIGNITY FOR  
MATTERS CONNECTED THEREWITH OR THERETO

BE it enacted by the Legislature of the State of Odisha in the Sixty-fourth Year of the  
Republic of India, as follows:—

CHAPTER-I

PRELIMINARY

Short title,  
extent and  
commence-  
ment.

1. (1) The Act shall be called the Odisha Special Component Plan for Scheduled Castes and Tribal Area Sub Plan for Schedule Tribes and Scheduled Castes and Scheduled Tribes Development Authorities Act, 2013.

(2) It shall apply to the whole state of Odisha.

(3) It shall come into force on such date as the State Government may, by notification in the Gazette, appoint.

Definitions.

2. In this Act unless the context otherwise requires,—

(1) “Act” means The Odisha Special Component Plan for Scheduled Castes and Tribal Area Sub Plan for Scheduled Tribes and Scheduled Castes and Scheduled Tribes Development Authorities Act, 2013

(2) “Special Component Plan for SCs (SCP)” and Tribal Area Sub Plan for STs (TSP) means the Plan to channelize the SC & ST population-equivalent proportion, of the State, of the total State Plan outlay (Annual, Five-Year, Perspective) of the State, by setting it apart as the outlay of SCP & TSP before the total Plan outlay is allocated sector-wise and Ministry-wise/Department-wise, in order to fulfill the developmental objectives of Scheduled Castes and Scheduled Tribes Development, namely, their economic liberation, educational parity at all levels, equality with Socially Advanced Castes (SACs)/Non-SC, non-ST, non-BC Castes (NSCTBC) in all parameters and security and social dignity and to bridge the gap between SCs/STs and the SACs/NSCTBC in a reasonable time.

(3) “State Scheduled Castes Development Authority (SSCDA)” and “State Scheduled Tribes Development Authority (SSTDA)” means the Authorities responsible for formulating and approving the SCP & TSP in the state on the basis of the developmental needs and priorities of Scheduled Castes and Scheduled Tribes, in keeping with the over-arching goals of SCs & STs development, and its monitoring, evaluation, review, revision and taking of timely corrective steps wherever required.

(4) “District Scheduled Castes Development Authorities (DSCDAs)” & “District Scheduled Tribes Development Authorities (DSTDAs)” shall mean the Authorities set up under this Act in each district responsible for the implementation, in the district, in a transparent and socially auditable manner, of the schemes and programs of the SCP & TSP as per the sanctions issued by the “State Scheduled Castes Development Authority (SSCDA)” and “State Scheduled Tribes Development Authority (SSTDA)” for their monitoring, feedback to the SSCDA & SSTDA of the State and provision of inputs to the SSCDA & SSTDA for planning of the SCP and TSP for the subsequent year(s).

- (5) "Deputy Chairperson" means the Deputy Chairperson of the State Scheduled Castes Development Authority and State Scheduled Tribes Development Authority and, as the case may be, State Scheduled Castes Development Authorities and State Scheduled Tribes Development Authority defined in section 4 and section 5, who shall be the planning and executive head of the SSCDA/SSTDA & DSCDAs/DSTDAs and shall be responsible for the actual functioning and the activities and day-to-day work of the SSCDA/DSCDAs & SSTDA/DSTDAs.
- (6) "Census" means decennial population census conducted by the Government of India.
- (7) "Crucial Balancing Investment" means the percentage of funds earmarked by the State Scheduled Caste Development Authority and State Scheduled Tribes Development Authority or, as the case may be, by the District Scheduled Caste Development Authority and State Scheduled Tribes Development Authority as defined in Section 3 (8) of the Act.
- (8) "Financial Year" means one year period commencing from 1st April of the year to the Thirty First March of the 31<sup>st</sup> March year.
- (9) "Government" means the Government of Odisha.
- (10) "Notification" means Notification published in the Gazette of State of Odisha.
- (11) "Official Gazette" means the Gazette of Govt. of Odisha.
- (12) "Plan Budget" means the total Plan Outlay in the Budget of the Government of Odisha for a given Financial Year.
- (13) "Planning Commission" means the Planning Commission of India.
- (14) "Prescribed" means prescribed in the Rules.
- (15) "Rules" means Rules made under section 13 of the Act.
- (16) "Scheduled Castes" means castes as defined in Articles 366(24) of the Constitution of India and notified by the President of India under Article 341(1).
- (17) "Scheduled Tribes" means castes as defined in Articles 366(24) of the Constitution of India and notified by the President of India under Article 341(1).
- (18) "Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989" means Central Act No. 33 of 1989.

(19) "Panchayat" and "Municipalities" shall have the same meaning as in Article 243 and 243 P of the Constitution.

*Explanation:—* Any provisions made for States in this Act shall also apply to all 30 districts with Legislature.

## CHAPTER-II

### THE ODISHA SPECIAL COMPONENT PLAN FOR SCHEDULED CASTES (SCP) AND TRIBAL AREAS SUB-PLAN FOR SCHEDULED TRIBES

Annual and Five-Year and Perspective SCP for SCs & TSP.

3. (1) There shall be Special Annual and Five-Year and Perspective Plans, herein after called the Special Component Plan for Scheduled Castes (SCP) & Tribal Area Sub-Plan for Scheduled Tribes (TSP) separate from and in addition to the general Annual Plan and Five-Year Plan, of the State, for the accelerated and sustainable and overall development of SCs & STs.
- (2) From out of the over-all approved Annual and Five Year Plan Outlays of the State or, as the case may be, of each district, before the total Plan Outlay is allocated sector-wise, and ministry-wise/department-wise, the outlays for the Special Component Plan for Scheduled Castes & Tribal Area Sub-Plan for Scheduled Tribes shall be set apart, in the ratio of not less than the population of the Scheduled Castes and Scheduled Tribes to the total population of the state as per the latest decennial census, and the same shall be entrusted to the SSCDA & SSTDA or, as the case may be to the DSCDAs & DSTDAs of each district, for the formulation and implementation of the Special Component Plan for Scheduled Castes & Tribal Area Sub-Plan for Scheduled Tribes.
- (3) (a) The Annual SCP & TSP outlay thus set apart initially shall be placed by the State Governments at the disposal of the respective Authorities as soon as the Annual Budget is passed, but prior to the Budget session as soon as the size of the total Annual State Plan is known, the size of the SCP & TSP outlay of the States should be intimated to the respective Authorities to enable them to start the process of planning at the earliest.

- (b) As soon as the size of the total Five Year Plan outlay of the States is determined the Five-Year outlay of the SCP & TSP should be intimated by the State Government to the respective Authorities to enable them to begin the process of formulating Five Year Plans as expeditiously as possible.
- (4) The planning and allocations for programs and schemes relevant to Scheduled Castes and Scheduled Tribes and issue of sanction of funds shall be undertaken within this SCP & TSP outlay, initially set apart as mentioned in sub-section (2) of this section, in accordance with the needs and priorities of Scheduled Castes & Scheduled Tribes in keeping with the over-arching goals of their economic liberation, educational parity at all levels, equality with NSCTBCs/SACs in all parameters, and security and social dignity.
  - (5) Only such schemes and programs shall be included in and funded from the SCP & TSP which directly and exclusively benefit Scheduled Castes & Scheduled Tribes individuals, Scheduled Castes & Scheduled Tribes families, Scheduled Castes & Scheduled Tribes groups, Scheduled Castes & Scheduled Tribes habitations and which fulfill the above-mentioned overarching goals of Scheduled Castes development & Scheduled Tribes development.
  - (6) In allocating funds by the SSCDA/DSCDAs & SSTDA/DSTDAs due care and attention shall be paid for achieving equity among different parts of State and different social groups among the Scheduled Castes and Scheduled Tribes, with particular consideration for the especially vulnerable groups among Scheduled Castes & Scheduled Tribes.
  - (7) Any measures of economy resulting in the reduction in the plan size of the State shall not be applied to the Special Component Plan for Scheduled Castes & Scheduled Tribes.
  - (8) The SSCDA/SSTDA or, as the case may be, DSCDAs/DSTDAs of the State shall obtain proposals for the schemes and programs, as far as possible in project form, for the Special Component Plans for the Scheduled Castes & Tribal Area Sub-Plan for Scheduled Tribes, in consultation with the Ministries or Departments of the Government of Odisha to scrutinize the same keeping in view the criteria mentioned in section 2(2) and sub-sections (3), (4) and (5) of section 3, section 4.1 a (ii), 4.1 (f) , section 5.1 (b) and (g) and indicate the quantum of the Special Component Plan and Tribal Areas Sub-Plan budget allocated to them.

- (9) The SSCDA/SSTDA or, as the case may be, the DSCDAs/DSTDAs of the State at its discretion earmark a minimum of five percent of funds of the total Special Component Plan of the state or, as the case may be, of the District for “Crucial Balancing Investment” for completion of any scheme to maximize the benefit for the Scheduled Caste & Scheduled Tribes Communities.
- (10) After obtaining the proposals of the Ministries or Departments of Government of Odisha as per the allocations made, the SSCDA/SSTDA, or as the case may be DSCDAs/DSTDAs, will approve the Special Component Plan for Scheduled Castes & Tribal Area Sub-Plan for Scheduled Tribes.
- (11) The Government of Odisha shall present the Special Component Plan for Scheduled Castes and Tribal Areas Sub-Plan for Scheduled Tribes for voting by the State Legislatures along with the general Annual Budget.
- (12) The outlays of the Special Component Plan for Scheduled Castes and Tribal Areas Sub-Plan for Scheduled Tribes voted by the State Legislatures shall not lapse at the end of the financial year. The unspent outlays shall be carried forward to the next financial year or years, but shall never be diverted to the General Annual plans.

### CHAPTER – III

#### CONSTITUTION OF STATE SCHEDULED CASTES DEVELOPMENT AUTHORITY & STATE SCHEDULED TRIBES DEVELOPMENT AUTHORITY AND THEIR COMPOSITION, ETC,

Constitution of  
Development  
Authorities.

4. (1) State Scheduled Castes Development Authority (SSCDA) & State Scheduled Tribes Development Authority (SSTDA).
  - (a) (i) There shall be a State Scheduled Castes Development Authority (SSCDA) & State Scheduled Tribes Development Authority (SSTDA).
  - (ii) The SSCDA & SSTDA shall be responsible for formulating and approving State SCP & TSP — Annual, Five-Year and Perspective — on the basis of the developmental needs of Scheduled Castes and Scheduled Tribes and their priorities, keeping in view the vital dimensions of their socio-economic liberation, socio-educational equality at all levels of education, cultural development, equalization

with the Non-Schedules Castes, non-Scheduled Tribes, non-Backward Class castes or Socially Advanced Castes in all parameters, security and social dignity and their empowerment, to the extent of the proportion of the total Plan outlay equivalent to the population percentage of the Scheduled Castes and Scheduled Tribes in the state, which is placed at its disposal for planning for SCs & STs.

(iii) The SSCDA & SSTDA shall also be responsible for similar functions as mentioned above without legislatures which are directly administered by the Government of Odisha.

- (b) The SSCDA & SSTDA will hold pre-budget discussions with the representatives of Scheduled Castes & Scheduled Tribes agriculture labourers, small and marginal farmers, artisans, workers in Rural and Urban unorganized sector, Safai Karmacharis, other occupational groups and categories entrepreneurs and industrialists, academicians, social activists, NGOs, etc.,
- (c) The SSCDA & SSTDA shall, taking into account the pre-Budget discussions mentioned in (b) above, after consultations with appropriate implementing Ministries/Departments/agencies, formulate the SCP & TSP of the State.
- (d) Thereafter the SSCDA & SSTDA shall issue sanctions in favor of each appropriate Ministry/Department/Agency on the basis of MoUs detailing the specificities of each scheme and program to be implemented in a manner which is transparent and locally verifiable and social-auditable, with provisions for concurrent monitoring, evaluation and timely corrections.
- (e) The Authority shall have the power to give necessary directions to the implementing Ministry /Department/ Agency and to re-allocate / re-appropriate outlays from one Ministry/Agency to another whenever necessary, to advance the interest of Scheduled Castes development & Scheduled Tribes development
- (f) Only such schemes and programmes shall be included in and funded from the SCP & TSP which directly and exclusively benefit Scheduled Castes & Scheduled Tribes individuals, Scheduled Castes & Scheduled Tribes families,

Scheduled Castes & Scheduled Tribes groups, Scheduled Castes & Scheduled Tribes habitations and which fulfill above overarching goals of Scheduled Castes development & Scheduled Tribes development, as specified in section 4.1 (a) (ii).

- (g) The State Departments to which sanctions are issued as above shall be accountable to the SSCDA & SSTDA for the proper implementation of the schemes and outlays sanctioned to them under the SCP and TSP and for the achievement of results as laid down in the MOUs and shall furnish reports and information in the manner and with such frequency as prescribed by the SSCDA & SSTDA.
  - (h) There shall be a separate budget head for the SCP & TSP in the State Budget.
  - (i) Compact units with specialization in each area of development relevant to Scheduled Castes & Scheduled Tribes shall be established in SSCDA & SSTDA.
  - (j) The SSCDA & SSTDA may organize periodical conferences of DSCDAs & DSTDAs and take other measures for facilitating exchange of experiences and formulation of common strategies wherever appropriate.
- (2) (a) The members of the SSCDA & SSTDA shall be selected by a Selection Committee consisting of the following as members:
- (i) Ex-officio members
    - (a) Chief Minister - Chairperson
    - (b) Minister-in-charge of Scheduled Castes Development / Welfare / Empowerment
    - (c) Leaders of the Opposition in the Odisha Legislative Assembly
    - (d) Chairperson, State Commission for Scheduled Castes (SCSC) & Scheduled Tribes (SCST)
    - (e) Chairperson State Safai Karmachari Commission
  - (ii) Six Nominated Members from the following categories:
    - (f) A retired Judge of the High Court
    - (g) A retired Chief Secretary or retired Additional Secretary to Government of Odisha
    - (h) Two eminent social activists working for Scheduled Castes and Scheduled Tribes or representatives of reputed NGOs working for Scheduled Castes and Scheduled Tribes.
    - (i) Two other eminent persons working for Scheduled Castes and Scheduled Tribes.



- (b) It shall be ensured that a majority of the Selection Committee members are from the Scheduled Castes and Scheduled Tribes.
- (c) Nominated Members shall be appointed from among persons who have a proven track record of active concern for the rights and welfare of Scheduled Castes and Scheduled Tribes and are not primary members of or persons associated with or working for a political party.
- (3) (a) The composition of the SSCDA & SSTDA & eligibility/ qualifications of the full-time members of the SSCDA & SSTDA shall be as below:
  - (i) Ex-officio Members
    - (a) Chairperson — Chief Minister
    - (b) Vice-Chairperson — Minister in charge of Scheduled Castes Development/Welfare/ Empowerment.
  - (ii) Full-time Members
    - (a) Dy. Chairperson
    - (b) Seven other Members selected by the Selection Committee from the following categories:
  - (iii) The full-time Dy. Chairperson and other members shall be selected from the following categories:—
    - (1) Higher Judiciary (Retired),
    - (2) Higher Administration (Retired),
    - (3) Distinguished Academicians,
    - (4) NGOs with proven track record,
    - (5) Economists with expertise in developmental/ welfare/ rural economics, and other areas relevant to Scheduled Castes and Scheduled Tribes.
    - (6) Social scientists with expertise in areas relevant to Scheduled Castes and Scheduled Tribes.
    - (7) Any other professionals in areas relevant to Scheduled Castes and Scheduled Tribes.
- (a) The full-time Dy. Chairperson and other members shall be selected from persons with experience of at least 10 years of distinguished work for Scheduled Castes and Scheduled Tribes in their respective fields and possessing a proven track record of active concern for the rights and welfare of Scheduled Castes and Scheduled Tribes.
- (b) The Full-time members shall be appointed from among persons who are not primary members of or persons associated with or working for a political party.
- (c) It shall be ensured that a majority of members of SSCDA & SSTDA are from the Scheduled Castes and Scheduled Tribes.
- (d) Two out of the total members shall be women.

The Deputy Chairperson shall be the executive head of the SSCDA & SSTDA and shall be responsible for the actual functioning, activities and day-to-day work of the SSCDA & SSTDA.

(b) The Chief Minister as Chairperson will preside over crucial meetings of the SSCDA & SSTDA and the Deputy Chairperson shall preside over all other meetings.

The Minister-in-charge of Scheduled Castes Development & Scheduled Tribe Development / Welfare / Empowerment as Vice-Chairperson, who will also attend crucial meetings of the SSCDA & SSTDA, will help to maintain the link between the SSCDA & SSTDA and the Ministry as the limb of the executive government which formulates broad policy, secures budgetary support, and moves important legislations through the Cabinet and Assembly and interfaces with the Assembly.

District  
scheduled  
castes  
development  
authorities  
(DSCDAs) and  
district  
scheduled  
tribes  
development  
authorities  
(DSTDAs).

5. (1) (a) There shall be a State Scheduled Castes Development Authority (DSCDA) & District Scheduled Tribes Development Authorities (DSTDAs) in each District with Legislature.

(b) The DSCDAs & DSTDAs of each district shall be responsible for formulating and approving the SCP & TSP of the District — Annual, Five-Year and Perspective — on the basis of the developmental needs of Scheduled Castes and Scheduled Tribes and their priorities, keeping in view the vital dimensions of their socio-economic liberation, socio-educational equality at all levels of education, cultural development, equalization with the Non-Scheduled Castes, non-Scheduled Tribes, non-Backward Class castes or Socially Advanced Castes in all parameters, security and social dignity and their empowerment, to the extent of the proportion of the total Plan outlay equivalent to the population percentage of the Scheduled Castes and Scheduled Tribes in the District, which is placed at its disposal for planning for SCs & STs.

(c) The DSCDAs & DSTDAs shall hold pre-budget discussions with the representatives of Scheduled Castes and Scheduled Tribes agriculture labor, small and marginal farmers, artisans, workers in Rural and Urban unorganized sector, Safai Karmacharis, other occupational groups and categories entrepreneurs and industrialists, academicians, social activists, NGOs, etc.,

- (d) The DSCDAs & DSTDAs shall, taking into account the pre-Budget discussions mentioned in (c) above and after consultations with appropriate implementing State Departments/agencies, formulate the SCP & TSP of the District.
- (e) Thereafter, the DSCDAs & DSTDAs shall issue sanctions in favour of each appropriate Departmental offices and Agencies on the basis of MoUs detailing the specificities of each scheme to be implemented in a manner which is transparent and locally verifiable and auditable, with provisions for concurrent monitoring, evaluation and timely corrections.
- (f) The Authorities shall have the power to give necessary directions to the implementing Departmental heads / Agencies and to re-allocate/ re-appropriate from one department to another or from one scheme to another scheme or from one block to another whenever it is necessary, to advance the interests of Scheduled Castes & Scheduled Tribes development.
- (g) Only such schemes and programs shall be included in and funded from the SCP & TSP which directly and exclusively benefit Scheduled Castes & Scheduled Tribes individuals, Scheduled Castes & Scheduled Tribes families, Scheduled Castes & Scheduled Tribes groups, Scheduled Castes & Scheduled Tribes habitations and which fulfill above overarching goals of Scheduled Castes & Scheduled Tribes development, as specified in section 5.1 (b).
- (h) The Departmental heads and other Agencies to which sanctions are issued as above shall be accountable to the DSCDAs & DSTDAs for the proper implementation of the schemes and outlays sanctioned to them under the Special Component Plan & Tribal Areas Sub-Plan of the District and for the achievement of results as laid down in the sanction orders and shall furnish reports and information in the manner and with such frequency as prescribed by the DSCDAs & DSTDAs.
  - (i) There shall be a separate budget head for the Special Component Plan and Tribal Areas Sub-Plan in the District Budget.
  - (j) Compact units with specialization in each area of development relevant to Scheduled Castes and shall be established in each DSCDAs & DSTDAs.

(2) (a) The members of the DSCDAs & DSTDAs shall be selected by a Selection Committee consisting of the following as members:

(i) Ex-officio members

(a) District Collector — Chairman

(b) District social welfare officer in charge of Scheduled Castes Development / Welfare / Empowerment

(c) MPs & MLAs of the concerned district.

(ii) Seven Nominated Members

(1) A Retired Judge of a District Court who belongs to the District.

(2) A retired Secretary or Additional Chief Secretary or Principal Secretary of the State Govt. belongs to that particular district.

(3) Two eminent social activists working for Scheduled Castes and Scheduled Tribes of the districts or representatives of reputed NGOs working for Scheduled Castes and Scheduled Tribes of the District.

(4) Three other eminent persons working for Scheduled Castes and Scheduled Tribes of the District

(a) It shall be ensured that a majority of the Selection Committee members are from the Scheduled Castes and Scheduled Tribes.

(b) Nominated Members shall be appointed from among persons who have a proven track record of active concern for the rights and welfare of Scheduled Castes and Scheduled Tribes and are not primary members of or persons associated with or working for a political party.

(3) The composition of the DSCDAs & DSTDAs and eligibility/ qualifications of the full-time members of the SSCDA/SSTDA shall be as below:

(i) Ex-officio Members

(a) Chairperson — District Collector

(b) Vice-Chairperson — MP belongs to either SCs & STs for Scheduled Castes Development / Welfare / Empowerment.

(ii) Full-time Members

(a) Dy. Chairperson

(b) seven other Members selected by the Selection Committee from the following categories:

(1) Higher Judiciary (Retired) belonging to the district,

- (2) Higher Administration (Retired) belonging to the district,
  - (3) Distinguished Academicians,
  - (4) NGOs with proven track record,
  - (5) Economists with expertise on developmental/ welfare/ rural economics, and other areas relevant to Scheduled Castes and Scheduled Tribes.
  - (6) Social Scientists with expertise in areas relevant to Scheduled Castes and Scheduled Tribes
  - (7) Any other professionals with expertise in areas relevant to Scheduled Castes and Scheduled Tribes
- (c) The full-time Dy. Chairperson and other members shall be selected from persons with experience of at least 10 years of distinguished work for Scheduled Castes and Scheduled Tribes in their respective fields and possessing a proven track of record of active concern for the rights and welfare of Scheduled Castes and Scheduled Tribes in the State.
- (d) The Full-time Dy. Chairperson and other members shall be appointed from persons who are not primary members of or persons associated with or working for a political party.
- (e) It shall be ensured that the Scheduled Castes and Scheduled Tribes are in a majority in the SSCDA.
- (f) Two out of the total members shall be women.
- (4) (a) The Deputy Chairperson shall be the Chief Executive and shall be responsible for the actual functioning, activities and day-to-day work of the DSCDAs & DSTDAs.
- (b) The District collector as Chairperson will preside over crucial meetings of the DSCDAs & DSTDAs and the Deputy Chairperson shall preside over all other meetings.
- (c) The MPs of Scheduled Castes and Scheduled Tribes communities will be the vice-chairperson for the SCs/STs Development, Welfare and Empowerment, who will also attend crucial meetings of the DSCDAs & DSTDAs, will help to maintain the link between the DSCDAs & DSTDAs and the District level departments and offices as the limb of the executive government which formulates broad policy, secures budgetary support, and interfaces with the Legislature.

Block level  
scheduled  
castes  
development  
authorities  
(BSCDAs) and  
block level  
scheduled  
tribes  
development  
authorities  
(BSTDAs)

6. (1) There shall be a Block Level Scheduled Castes Development Authority (BSCDA) & Block Level Scheduled Tribes Development Authorities (BSTDAs) in each block of the state except in block where there are no Scheduled Castes and Scheduled Tribes.
- (2) It shall be the duty of the (BSCDA) & (BSTDAs)
  - (a) to closely supervise and ensure proper implementation of the SCPs & TSPs in the block by block, in accordance with the results and outcomes to be achieved as per sanction orders issued by the SSCDA/SSTDA & DSCDAs/DSTDAs to State Ministries/Departments/Agencies and District administrative and Agencies, and the MoUs between them.
  - (a) To ensure transparency in implementation in a manner which can be locally verified and social-audited scheme-wise?
  - (b) to report to the SSCDA/SSTDA & DSCDAs/DSTDAs, as prescribed, about implementation of Central & State SCP at block-level and send special reports wherever necessary if any urgent action or course-correction or re-allocation of outlays is required on the part of the SSCDA/SSTDA & DSCDAs/DSTDAs.
  - (c) To provide inputs to the SSCDA/SSTDA & DSCDAs/DSTDAs from time to time for formulation of Central SCP and the State SCP.
- (3) The BDO shall be the Chairperson of the BSCDA & BSTDA.
- (4) The State Government shall appoint a full-time Additional BDO or Joint officer in the senior scale of the OAS exclusively to assist the BDO in the implementation and monitoring of the SCP & TSP at Block level and to whom no other work shall be entrusted under any circumstances.

Composition of  
BSCDAs &  
BSTDAs.

7. Block Scheduled Caste & Scheduled Tribes Development Authorities shall be constituted with following members:
  - (a) Block Chairman-Chairperson
  - (b) BDO - Vice-Chairperson
  - (c) Additional BDO / Joint Officer (full time)
  - (d) Representatives of NGOs with reputation for sincere work for Scheduled Castes and Scheduled Tribes, to be nominated by BDO /ABDO.
  - (e) Subject-matter experts with reputation for, commitment to and experience of development and empowerment of Scheduled Castes and Scheduled Tribes to be nominated by BDO /ABDO.

Meetings of the authorities, review and monitoring of implementation of special component plan for scheduled castes & tribal areas sub-plan for scheduled tribes.

8. (a) The SSCDA & SSTDA shall meet at least once in a month to review the release and utilization of funds to the schemes and programs included in the Special Component Plan for Scheduled Castes and Tribal Areas Sub-Plan for Scheduled Tribes of Government of Odisha.
- (b) The SSCDA & SSTDA shall observe such rules of procedure as it prescribes for itself under section 9(6) in regard to the transaction of business at its meetings.

Monitoring of the SSCDA & SSTDA.

9. (a) The SSCDA & SSTDA shall meet at least once in a month to review the release and utilization of funds to the schemes and programs included in the Special Component Plan for Scheduled Castes and Tribal Areas Sub-Plan for Scheduled Tribes of the state in relation to the District and monitor the progress of implementation of the schemes sanctioned under them.
- (b) The SSCDA & SSTDA shall observe such rules of procedure as it prescribes for itself under section 9(6) in regard to the transaction of the business at its meetings.

Monitoring & implementation of DSCDAs & DSTDAs.

10. The District Scheduled Castes Development Authorities and District Scheduled Tribes Development Authorities shall meet at least once in a month to monitor the progress of implementation of the Schemes and programmes and submit monthly reports as prescribed to the SSCDA & SSTDA. The District Collector / Deputy Commissioner shall be especially responsible for implementation of the schemes as per the time schedule prescribed. The full-time Convenor shall continuously monitor the progress of the implementation of the schemes.

Power of the Government of Odisha to monitor the progress of implementation of the special component plans etc.

11. (a) The Government of Odisha shall have the power to monitor the progress of implementation of the Special Component Plans and Tribal Areas Sub-Plan of the District and Block and issue instructions or directions to the 30 districts in this regard, but without interfering with the autonomy of the DSCDAs & DSTDAs. They may also call for reports from time to time from the District.

(b) The SSCDA & SSTDA shall furnish such information as is required by the Government of Odisha in order to reply questions in the Assembly and otherwise keep the Assembly informed whenever necessary.

Expenditure on the staff.

12. The expenditure on the staff in the SSCDA & SSTDA and on the staff of each DSCDAs & DSTDAs shall be from the non-Plan budget of the Govt. of Odisha and of each District respectively.

## CHAPTER-IV

### GENERAL

Utilization and monitoring of SCP & TSP funds.

13. (1) Outlays provided under the SCP & TSP funds of the States shall be utilized within the stipulated time for which a periodic monitoring mechanism shall be evolved. No part of the SCP & TSP outlays shall lapse at the end of the financial year. Unutilized outlays shall be carried forward to the next year or years.
- (2) The SCP for Scheduled Castes & TSP for Scheduled Tribes shall be built into and provided in the credit system by earmarking for Scheduled Castes and Scheduled Tribes a due share of advances by banks, co-operatives and other financial institutions.
- (a) The SSCDA, DSCDAs and BSCDAs & SSTDA, DSTDAs and BSTDA shall closely interact with banks, co-operatives and other financial institutions to ensure smooth and easy flow of adequate and timely credit for Scheduled Castes and Scheduled Tribes part of their Plans.
- (b) Any practical difficulty faced by them in this regard may be taken up by the SSCDA/SSTDA & DSCDAs/ DSTDAs with the Ministry of Finance or Ministry of Agriculture in the case of cooperatives or State Departments in charge of cooperatives. Thereupon the Ministry of Finance / Ministry of Agriculture / State Department of Cooperatives shall take prompt action to solve the problem.
- (3) The Scheduled Caste Development Authorities and Scheduled Tribes Development Authorities shall have the power, whenever necessary, to require the presence of any person including officers of State Governments and District and any information or document from them.



To further facilitate this, the SSCDA/SSTDA & DSCDAs/ DSTDAs shall, while performing their functions, also have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:—

- (a) Summoning and ensuring the attendance of any person, including Officers of State Governments, district collectors and BDOs, from any part of state and examining him on oath;
  - (b) Requiring the discovery and production of any document;
  - (c) Receiving evidence on affidavit;
  - (d) Requisitioning any public record or copy thereof from any court or office;
  - (e) Issuing summons for the examination of witnesses and documents; and any other matter which may be prescribed.
- (4) (a) When the SSCDA/SSTDA and any DSCDAs/ DSTDAs considers any matter to be serious and requiring the personal attention of any Minister, such Minister, on the request of the SSCDA/SSTDA & DSCDAs/ DSTDAs, will make it convenient promptly to meet with the SSCDA/SSTDA & DSCDAs/ DSTDAs for discussions to facilitate quick resolution of such matter.
- (b) Where in the opinion of the SSCDA/SSTDA a matter is as serious and important as to require the personal attention of the District Collector of the district, such District Collector will make it convenient promptly to meet the SSCDA/SSTDA for discussions to facilitate quick resolution of such matter.
- (5) (a) The Deputy Chairperson and other full-time Members of the SSCDA/SSTDA & DSCDAs / DSTDAs shall not be paid salaries or remuneration but shall have all functional facilities and status.
- (b) The Deputy Chairperson of the SSCDA/SSTDA shall have the status of a state Cabinet Minister and shall be a permanent invitee to all Cabinet Meetings of the State Govt.
- (c) Other full-time Members of the SSCDA/SSTDA shall have the status of a Minister of the State.
- (d) The Deputy Chairperson of the DSCDAs / DSTDAs shall have the status of a Minister and shall be a permanent invitee to all meetings of the District.
- (d) Other full-time members of the DSCDAs / DSTDAs shall have the status of a District collector.
- (6) (a) The SSCDA/SSTDA & DSCDAs / DSTDAs shall prescribe and regulate their own procedure.

- (b) The SSCDA/SSTDA & DSCDAs / DSTDAs shall have the authority to decide which schemes and programs, whether existing or new, can be included in the SCP & TSP and which cannot be so included in the light of the criteria prescribed in section 2 (2) and sub-sections (3), (4) and (5) of section (3), 4.1 (a) (i), 4.1 (d) and 5.1 (g).
- (7) (a) The SSCDA/SSTDA & DSCDAs / DSTDAs shall have the authority to formulate the functional facilities required by them to facilitate the smooth and autonomous functioning of the SSCDA/SSTDA & DSCDAs / DSTDAs
- (b) The DSCDAs / DSTDAs shall have the same authority in respect of the BSCDAs/BSTDAs
- (c) The State Governments shall provide in full in their respective Budgets the amounts for acquiring the functional facilities as formulated and budgeted by the SSCDA/SSTDA & DSCDAs / DSTDAs and place the budgeted amount at the disposal of the SSCDA/SSTDA & DSCDAs / DSTDAs respectively, and the SSCDA/SSTDA & DSCDAs / DSTDAs shall have the authority to acquire such functional facilities according to the procedure laid down by SSCDA/SSTDA & DSCDAs / DSTDAs for this purpose; and the State Governments shall provide all assistance sought by the SSCDA/SSTDA & DSCDAs / DSTDAs.
- (8) (a) The SSCDA/SSTDA & DSCDAs / DSTDAs shall have the authority to formulate their own staffing pattern on the basis of efficiency, the requirements of the tasks entrusted to them and at the same time utilizing modern systems and facilities so that there is no non-functional and counterproductive proliferation.
- (b) Each DSCDAs / DSTDAs may also formulate the staffing pattern for the Block Scheduled Caste Development Authorities and Block Scheduled Tribes Development Authorities.
- (c) The Government of Odisha and District collector shall provide in full in their respective Annual non-Plan Budgets according to the staffing pattern and Budget formulated by the SSCDA/SSTDA & DSCDAs / DSTDAs and place the budgeted amounts at the disposal of the respective Authorities.
- (d) The SSCDA/SSTDA & DSCDAs / DSTDAs shall also have authority either to recruit staff on regular or contract basis or take staff, if and to the extent suitable personnel are available, on deputation, as necessary in their

judgment for the effective implementation of the SCP & TSP, and formulate rules of recruitment or rules of deputation; and the Government of Odisha and District collector shall provide all necessary assistance sought by the SSCDA/SSTDA & DSCDAs / DSTDAs. The DSCDAs / DSTDAs shall have the same authority in respect of staffing for the Block Scheduled Castes Development Authorities & Block Scheduled Tribes Development Authorities.

- (9) The SSCDA/SSTDA & DSCDAs / DSTDAs shall have power to formulate their financial requirements, and in the case of the latter the financial requirement of the Block Scheduled Castes Development Authorities & Block Scheduled Tribes Development Authorities also, for effective functioning and the Govt. of Odisha / District Collectors shall provide the amounts in full in their respect Annual non-Plan Budgets and place such amounts at the disposal of SSCDA/SSTDA & DSCDAs / DSTDAs respectively.

Provisions of the act -An additionality.

14. (1) The provisions of the Act shall be, in addition to and not in derogation of the provisions of any other law, the policies and decisions of the State Government and each District Authorities, for the time being in force, for the development and welfare of the Scheduled Castes and Scheduled Tribes.

- (2) If any of the existing laws, policies and decisions are adverse to the interests of the Scheduled Castes and Scheduled Tribes and their development and welfare and to the purposeful formulation and effective implementation of the Special Component Plan and Tribal Areas Sub-Plan, the SSCDA/SSTDA & DSCDAs / DSTDAs may advise the State Government or a District Authority to repeal or amend such law, policies and decisions.

- (a) Such advice of the SSCDA/SSTDA & DSCDAs / DSTDAs shall ordinarily be binding on the State Government and the District Authority.
- (b) In the rare instances where the State Government or a District Authority do not wholly or partly agree with the advice of the SSCDA/SSTDA & DSCDAs / DSTDAs, that Government shall record reasons for such disagreement.

Account ability and penalties.

15. (1) The SSCDA/SSTDA and the respective DSCDAs / DSTDAs of the Districts shall prescribe rules for accountability of each officer or category of officers entrusted with the responsibility of implementation of the Special Component Plan and Tribal

Areas Sub-Plan and the schemes there under. There shall be penalties prescribed for any lapse or lapses on the part of any officer in implementation of the schemes for which such officer is responsible.

(2) In cases of such lapse or lapses, the SSCDA/SSTDA or DSCDAs / DSTDAs may, wherever they deem it necessary and appropriate, recommend to the State Government or District Authority to impose the prescribed penalties on such officer.

(3) The recommendation of the SSCDA/SSTDA or DSCDAs / DSTDAs shall ordinarily be binding on the State Government and the District Authority.

(4) In the rare instances where the State Government or a District Authority do not wholly or partly agree with the recommendation of the SSCDA/SSTDA or of DSCDAs / DSTDAs, that Government shall record reasons for such disagreement.

Failure to implement the provisions.

16. Failure to implement the provisions of this Act or any lapse, unless and until the contrary is proved, shall be presumed to be an offence punishable under section 4 of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. In addition, such officer shall also be liable for disciplinary action under the relevant Conduct Rules. Any loss or damage caused to the district, whether at the district level or at the Block level, or to the Scheduled Castes and Scheduled Tribes, shall be recoverable from the officer who is found guilty.

Power of the SSCDA/SSTDA and DSCDAs/ DSTDAs.

17. (1) The SSCDA/SSTDA and DSCDAs / DSTDAs shall have powers to recommend to the appropriate Government prosecution of any such officer who is negligent in his work pertaining to the Scheduled Castes and Scheduled Tribes and to the SCP & TSP, under Section 4 of the Scheduled Castes / Scheduled Tribes Prevention of Atrocities Act 1989. For this purpose, such negligence shall be treated as an atrocity under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

(2) The recommendation of the SSCDA/SSTDA or DSCDAs / DSTDAs for prosecution of any person under the POA Act, 1989 shall be binding on the State Government.

(3) In the rare instances where the State Government do not wholly or partly agree with the recommendation of the SSCDA/SSTDA or DSCDAs / DSTDAs, that Government shall record reasons for such disagreement.

Protection of  
the action  
taken in good  
faith.

18. All actions taken in good faith in the implementation of the provisions of this Act shall stand protected.

Power of the  
state  
government to  
frame rules

19. The Government of Odisha may by notification in the Gazette of Odisha makes rules, to carry out all or any of the purposes of this Act, ensuring that no rule or guideline issued by them abridges or dilutes the autonomy of the SSCDA/SSTDA or DSCDAs / DSTDAs, especially in the light of section 9 (6) to (9).

Power to  
remove  
difficulties.

20. If any difficulty arises in giving effect to any of the provisions of this Act, the Government of Odisha may, after obtaining the advice of the SSCDA/SSTDA or the respective DSCDAs / DSTDAs, which advice shall be ordinarily binding on the Govt. of Odisha by general or special order, published in the Official Gazette of Odisha make such provision consistent with the provisions and objectives of this Act, as may appear to them to be necessary or expedient for the removal of the difficulty.

## **STATEMENT OF OBJECTS AND REASONS**

The Scheduled Castes and Scheduled Tribes have been the victims of the Indian Caste System.

Aware of the fact that the Constitution of India mandates the State, in all its limbs and through all its instrumentalities and agencies, to take all measures necessary for removing these deprivations and disadvantages, bring about social equality through various measures of social justice, which includes educational, economic and cultural justice, and establish a regime of all-round equality in the country;

Taking note of the fact that developmental outlays and inputs did not flow to the Scheduled Castes and Scheduled Tribes in due measure in the Plans, quantitatively and qualitatively;

Recognizing that Government of India, therefore, conceived and initiated in 1978 the Special Component Plan for Scheduled Castes (SCP) and Tribal Area Sub-plan for Scheduled Tribes as a comprehensive Plan instrument in the Centre as well as States;

Noticing the fact that the SCP & TSP, though it has helped in bringing about certain improvements, has, over time, been reduced largely to a mere arithmetical – statistical exercise, losing sight of the overarching Constitution-based goals of economic liberation, educational parity at all levels, equality in all parameters and security and dignity, and, from this perspective, failing to take a holistic view, of the needs and priorities of the Scheduled Castes and Scheduled Tribes and accordingly devising programs and schemes with adequate outlays and institutional and organizational arrangements under the SCP & TSP;

Also noticing the fact that consequently in all parameters of development and welfare there continues to exist a wide gap between the SCs/STs and the Socially Advanced Castes (SACs), ie., the non-SC, non-ST, non-BC castes (NSCTBC);

Taking into account the fact that, the Prime Minister and Chairman of the Planning Commission has laid down the target of removing these gaps within 10 years in his address to the 51<sup>st</sup> meeting of the NDC on 27. 6. 2005 which is in keeping with the Constitutional mandate;

And also taking into account the candid recognition in the Planning Commission's Approach to the XII Five Year Plan that there has been deficiency both in the Centre and States in the implementation of the SCP and TSP and also a wide range of continuous fund diversions every year from these two provision, therefore, a new system must be devised for the next five year plan which can overcome the difficulties experienced in the past and ensure that the SCP & TSP is implemented in letter and spirit;

This bill lays down the legislative framework for such a new system, of which the basic feature is to set apart the SC & ST population-equivalent proportion to the State's total Plan outlay (Annual, Five Year and Perspective) of the State in the SCP and TSP of the Government of Odisha in each sector-wise and Ministry-wise / Department-wise and place this outlay of SCP & TSP at the disposal of empowered Authorities in the Government of Odisha to undertake planning and allocations for programs and schemes relevant to Scheduled Castes and Scheduled Tribes issue of sanction of funds, in accordance with the needs and priorities of Scheduled Castes & Scheduled Tribes in keeping with the overarching goals of their economic liberation, educational parity at all levels, equality with Socially Advanced Castes in all parameters and security and social dignity.

ACCORDINGLY, THE BILL SEEKS TO HAVE LEGISLATION AND PROVIDE FOR THE FOLLOWING MATTERS IN THE SAID LEGISLATION :—

1. Earmarking of Scheduled Castes Sub-Plan/Tribal Sub-Plan Fund from plan outlays.
2. Allocation and utilization of Scheduled Casts Sub-Plan/Tribal Sub-Plan Fund to various departments with objectives of innovative specific and direct development oriented schemes for Scheduled Caste and Scheduled Tribes in the state.
3. Promotion of equality in development among Scheduled Castes/Scheduled Tribes.
4. Planning and appraisal process for the Sub-Plans to be clearly outlined.
5. State, District and Block level institutional mechanisms to be strengthened for effective implementation, monitoring and evaluations;
6. Ensure transparency and accountability at all levels in the State Government in the implementation of schemes.
7. Establish a comprehensive Management Information System to monitor the outcomes.
8. Provision of social audit of the Sub-Plans every year.

The Bill seeks to achieve the above objects.

PRASAD KUMAR HARICHANDAN

Member-in-Charge

A.K. SARANGI

Secretary

Odisha Legislative Assembly